

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<hr/>	:	CIVIL ACTION
LEANDER WILLIAMS,	:	
	:	
<i>Petitioner,</i>	:	
	:	
v.	:	No. 18-1744
	:	
MARK CAPOZZA, <u>ET AL.</u>,	:	
	:	
<i>Respondents.</i>	:	
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ORDER

AND NOW, this 25th day of July, 2019, upon careful and independent consideration of the Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2254 (Doc. No. 1), and after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice (“R&R”) (Doc. No. 17), and Petitioner’s Objections thereto (Doc. No. 20), I find as follows:

1. In 2009, Petitioner, Leander Williams, was convicted of, among other things, first-degree murder.¹ Petitioner’s conviction was affirmed on direct appeal by the Pennsylvania Superior Court, and the Pennsylvania Supreme Court denied direct review in 2013. (See R&R 3.)
2. In 2014, Petitioner filed a petition for state collateral review under the Pennsylvania Post-Conviction Relief Act (“PCRA”). The PCRA court dismissed the petition. In 2017, the Pennsylvania Superior Court affirmed the dismissal of the petition, and the Pennsylvania Supreme Court denied review. (See R&R 3.)

¹ The complete factual and procedural background of this matter is not recounted here, as it is fully set out in Judge Rice’s Report and Recommendation. (See R&R 1–3.)

3. Thereafter, Petitioner initiated these federal habeas proceedings, *pro se*, raising five claims that his trial counsel and/or appellate counsel were ineffective. (See R&R 4–14.)
4. In his R&R, Judge Rice concluded that each of these five claims was procedurally defaulted and/or failed on the merits. (See R&R 4–14.)
5. Following the issuance of the R&R, Petitioner filed a document styled “Objections to Magistrate’s Report and Recommendation.” (Doc. No. 20.) However, in these Objections, Petitioner does not challenge any of Judge Rice’s conclusions as set out in the R&R. Rather, Petitioner objects that, one week before issuing the R&R, Judge Rice denied his motion for an extension of time to file a reply in further support of his Petition.²
6. Because Petitioner has filed no objections the substantive conclusions set out in the R&R, I will not re-address the merits of his claims, apart from noting that Judge Rice addressed the pertinent issues thoroughly and correctly. See Goney v. Clark, 749 F.2d 5, 6 (3d Cir. 1984) (holding that *de novo* review by a district court is not required where no specific objection to the report and recommendation is made).

WHEREFORE, it is hereby **ORDERED** that:

- Petitioner’s Objections (Doc. No. 20) are **OVERRULED**.
- The Report and Recommendation (Doc. No. 17) is **APPROVED** and **ADOPTED**.
- The Petition for a Writ of Habeas Corpus (Doc. No. 1) is **DENIED** and **DISMISSED WITH PREJUDICE**.
- No certificate of appealability shall issue under 28 U.S.C. § 2253(c)(1)(A) because Petitioner “has [not] made a substantial showing of the denial of a constitutional

² This decision was committed to Judge Rice’s sound discretion, and I discern no error in it. See Rule 5(e), Rules Governing Section 2254 Cases (“The petitioner may submit a reply to the respondent’s answer *within a time fixed by the judge*.” (emphasis added)). And in any event, Petitioner has suffered no prejudice from that decision, as he had an opportunity to file substantive objections to the R&R and did not do so.

right” under 28 U.S.C. § 2253(c)(2), since Petitioner has not demonstrated that reasonable jurists would find this Court’s assessment of Petitioner’s claims debatable or wrong. Slack v. McDaniel, 529 U.S. 473, 484 (2000).

- The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.